

C. H. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge George's denial of her claims for benefits under the Utah Workers' Compensation Act (Title 34A, Chapter 2, Utah Code Ann.) and the Utah Occupational Disease Act (Title 34A, Chapter 3, Utah Code Ann.).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3), Utah Code Ann. §34A-3-102 and Utah Admin. Code R602-2-1.M.

BACKGROUND AND ISSUE PRESENTED

On March 11, 1999, Ms. H. filed an Application For Hearing with the Commission seeking workers' compensation benefits for a fractured right hip, allegedly caused by Ms. H.'s use of prednisone to treat work-related pulmonary problems caused by her work at Parker-Hannifin.

On September 15, 1999, Ms. H. filed a second Application For Hearing with the Commission, seeking occupational disease benefits for "asthma, bronchitis, avascular necrosis and aserbation" allegedly caused by exposure to various fumes and dust while working for Parker-Hannifin Corporation.

Judge George held an evidentiary hearing on Ms. H.'s two claims on October 25, 2001. On June 24, 2003, Judge George issued his decision denying Ms. H.'s occupational disease claim on the grounds she had failed to provide notice of the claim within the time limit established by §34A-3-108 of the Occupational Disease Act. Judge George's decision also denied Ms. H.'s workers' compensation claim, on the grounds she had failed to establish that her work at Parker-Hannifin was either the legal or the medical cause of her injury.

The sole issue presented by Ms. H.'s motion for review is whether a "lack of ventilation" at Parker-Hannifin caused her to increase her use of prednisone, which in turn caused the fracture to her right hip.

DISCUSSION

Because Ms. H. has not contested the basis for Judge George's dismissal of her occupational disease claim, the Appeals Board does not address that claim. Instead, the Appeals Board limits its review to Ms. H.'s workers' compensation claim and her sole argument that working conditions at Parker-Hannifin aggravated her pulmonary problems and therefore required greater use of prednisone.

Ms. H.'s testimony during the hearing and her medical records clearly establish that Ms. H.'s chronic pulmonary problems were not caused or aggravated by her employment at Parker-Hannifin. Likewise, her use of prednisone substantially predates her employment at Parker-

Hannifin. There is no medical evidence that working conditions at Parker-Hannifin necessitated any increased use of prednisone. Consequently, Ms. H.'s right hip fracture, which was a side-effect of her use of prednisone, cannot be considered a work-related injury.

ORDER

The Appeals Board affirms Judge George's decision and denies Ms. H.'s motion for review. It is so ordered.

Dated this 5th day of December, 2003.

Colleen S. Colton, Chair
Patricia S. Drawe
Joseph E. Hatch